

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of Glen TINDAL et al.

Confirmation No.: 8202

Serial No. 09/730,682

Examiner: M. PYZOGA

Filed: 12/06/2000

Art Unit: 2137

FOR: NETWORK OPERATING SYSTEM DATA DIRECTORY

---

Mail Stop Appeal Briefs-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**37 CFR 41.41 REPLY BRIEF**

Sir:

Applicants submit that the Examiner has still not established proper grounds for rejecting claims 21-29 and 32-33. At the outset, Applicants would like to correct what may be an inadvertent mischaracterization of Applicants' position by the Examiner. To clarify any uncertainty, it is Applicants' position that the claims are not anticipated because the references simply do not teach explicitly, implicitly, or inherently each and every limitation of the claims. Nor do the references, even when combined, suggest each limitation of the pending claims.

Although Applicants focus only on a subset of the arguments set forth in the Appeal Brief, Applicants are not waiving any of those previously presented arguments by focusing on a subset of those arguments in this Reply Brief.

**I. OVERVIEW OF THE EXAMINER'S POSITION RELATIVE TO CLAIM 21**

Before addressing the merits of the Examiner's positions, a brief overview of those positions may be helpful. Claim 21 recites several elements that are described specifically in the claims and this overview is not meant to replace that claim language. Rather, this overview is meant to provide a starting point for understanding the Examiner's positions.

<b>Element Recited In Applicant's Claim 21</b>	<b>Examiner's March 22, 2007 Position Regarding The Corresponding Teaching in Doolan</b>
information that uniquely and generically indicates desired capabilities of a network device	Target Identifier (TID) and manufacturer information
actual configuration data for the network device [that] corresponds to existing capabilities of the network device	Failure scenarios and IP address
altering actual configuration data in accordance with the gathered information that uniquely and generically indicates desired capabilities of a network device	Placing information in CFG DATA 320 that is accessed by initialization and provision module 318 for use during system startup and thereafter. During initialization, the proper information is filled in a defined structure.
configuration record that represents a physical configuration for the network device and enables the network device to provide the desired capabilities.	CFG DATA 320

**Table 1: Summary Of The Examiner's Position Relative to claim 21**

Because *Doolan's* CFG DATA 230 is the core of the Examiner's rejection, it is reproduced below in table-form for convenience.

<b>Doolan's Configuration Information</b>	<b>Data Type/Size</b>	<b>Function</b>
tid	Character/ 21	Target Identifier (TID). Identifies each network element
pid	Character/ 11	Personal Identifier (PID). Password
uid	Character/ 11	User Identifier (UID). Identifies entities that may access the network element.
Init_scenario	Character/ 128	Activation scenario—tasks to be performed when network element is to become active and establish session with Doolan's gateway 204
hbeat_scenario	Character/ 128	Heartbeat Scenario—executed when heartbeat timer expires. If gateway 204 does not receive a response from the heartbeat scenario, the network element is considered to have a link or node failure
Infail_scenario	Character/ 128	Link node failure scenario—issued periodically when a legacy network element is detected to be inactive or out of service. If no response from network element, the network element is considered out of service.
manufacturer	Character/ 25	Used to form association between legacy network and the proper dictionary
model	Character/ 25	Used to form association between legacy network and the proper dictionary
release	Character/ 6	Used to form association between legacy network and the proper dictionary
Ip_address	Character/ 16	IP address of the network element
hb_timer	Integer	Time interval for gateway 204 to transmit heartbeat scenario
If_timer	Integer	Time interval for the gateway to transmit the link node failure scenario and wait for response.
disable_svc_flag	Integer	If contents are non-zero, network element is removed from service

**Table 2: Data Fields in Doolan's CFG Data 320**

**II. DOOLAN DOES NOT TEACH GATHERING INFORMATION THAT UNIQUELY AND GENERICALLY INDICATES DESIRED CAPABILITIES OF THE NETWORK DEVICE**

The Examiner argues, without explanation, that the existence of Doolan's target identifier (TID) and manufacturer fields somehow teaches gathering information that indicates desired capabilities of a network device. The Examiner then obfuscates the issue of whether Doolan teaches gathering information that indicates desired capabilities by then disregarding the claim limitations and opining that it is desirable for any device to have some capability (e.g., becoming active and operating).

Applicant submits that neither a device identifier nor the presence of manufacture information for the network device teaches gathering information that indicates desired capabilities for the network device. As an example, when a network administrator wants to configure a network device so that the device provides desired capabilities, a target identifier and manufacture information may convey what a device is capable of, but it does not tell the administrator what the desired capabilities of the network device are. So, information is gathered to indicate what these desired capabilities are.

Although the significance of the "gathering information" limitation may be lost when viewing the limitation in a vacuum, in the context of the claim as a whole, this limitation adds an important distinction over the teachings of Doolan. For example, in accordance with the method of claim 1, desired capabilities may be implemented on a network device by "altering the actual configuration data in accordance with the gathered information so as to generate a configuration record...that represents a physical configuration of the network device that enables the network device to provide the desired capabilities." As discussed further herein, Doolan's gateway 204 simply does not

enable desired capabilities of a network device to be effectuated by altering their CFG DATA 320.

**III. DOOLAN DOES NOT TEACH OBTAINING ACTUAL CONFIGURATION DATA FOR THE NETWORK DEVICE THAT CORRESPONDS TO EXISTING CAPABILITIES OF THE NETWORK DEVICE**

The Examiner contends that the presence of Doolan's Infail\_scenario (link node failure) and ip\_address fields in their CFG DATA 320 teaches "obtaining actual-configuration data [that] corresponds to existing capabilities of the network device."

An IP address, however, is merely an address of the network device—it is not data that corresponds to existing capabilities of the network device. And the Infail\_scenario field merely includes information that defines the steps taken by Doolan's gateway 204 when a legacy network element is detected to be inactive or out of service, and if no response is received from network element, the network element is considered out of service (See Doolan, Col. 13, lines 47-52). As a consequence, the failure scenario defined by Infail\_scenario indicates steps taken by Doolan's gateway 204—it does not correspond to existing capabilities of the network device as required by claim 21.

**IV. DOOLAN DOES NOT TEACH ALTERING ACTUAL CONFIGURATION DATA IN ACCORDANCE WITH THE GATHERED INFORMATION SO AS TO GENERATE A CONFIGURATION RECORD FOR THE NETWORK DEVICE**

The Examiner contends that Doolan teaches altering "actual configuration data" that corresponds to existing capabilities for the network device at Col. 14, lines 1-8. But the Examiner's position fails because 1) Doolan merely teaches populating empty fields in its CFG DATA 320 when a legacy device is initially introduced to their gateway 204—there is no "altering" of data at all; 2) even if Doolan's initial population of its CFG DATA 320 is contorted to be considered the "altering" of data, Doolan does not teach

altering their CFG DATA 320 “in accordance with the gathered information” that indicates the desired capabilities.

**V. DOOLAN DOES NOT TEACH A CONFIGURATION RECORD THAT REPRESENTS A PHYSICAL CONFIGURATION FOR THE NETWORK DEVICE THAT ENABLES THE NETWORK DEVICE TO PROVIDE THE DESIRED CAPABILITIES**

The Examiner contends that the data structure (reproduced in Table 2 above) in Doolan’s CFG DATA 320 corresponds to the claimed configuration record. And in particular, the Examiner contends that the target identifier, IP address and scenario information correspond to the physical configuration of the device. This position is untenable.

First, Applicants’ configuration record “represents a physical configuration for the network device.” But Doolan’s CFG DATA 320 does not represent a physical configuration for a network device at all. Instead, as the Examiner acknowledges, the information within the data structure of Doolan’s CFG DATA 320 is merely information used by the gateway 204 to activate a session between Doolan’s gateway 204 and Doolan’s network devices. And in particular, a target identifier merely identifies a device; an IP address is merely an address for a device; an initialization scenario is merely a set of steps carried out by the gateway 204 to initialize communications with a device; and a failure scenario is merely a set of steps to attempt to reactivate communications with a device—none of these pieces of data represent a physical configuration of a network device.

Moreover, none of the information in Doolan’s CFG DATA 320 represents a physical configuration for the network device that enables the network device to provide the desired capabilities.

The bottom line is, Doolan's gateway 204 merely enables a network manager to initialize and sustain communications with legacy network elements, and its configuration information is very different than Applicants' configuration record. Doolan simply does teach anything that enables desired capabilities of a network device to be effectuated by obtaining and altering actual configuration data to generate a configuration record that enables the network device to provide the desired capabilities. As a consequence, the rejection is improper and should be removed.

#### **VI. OVERVIEW OF THE EXAMINER'S POSITION RELATIVE TO CLAIM 27**

<b>Element Recited In Applicant's Claim 27</b>	<b>Examiner's March 22, 2007 Position Regarding The Corresponding Teaching in <i>Malik</i></b>
configuration data that uniquely and generically indicates desired capabilities of a network device	Template 40
second configuration data for the network device including information about how the network device is currently configured to operate	Attribute Values
generating the configuration record by combining the first configuration data and the second configuration data	Combining a template 40 with attribute values

#### **VII. MALIK DOES NOT TEACH GATHERING FIRST CONFIGURATION DATA THAT UNIQUELY AND GENERICALLY INDICATES DESIRED CAPABILITIES OF THE NETWORK DEVICE**

The Examiner contends that Malik's templates 40 are "information that generically indicates desired capabilities because they contain data generic to the model type." Malik's template 40, however, is a list of attributes and each of the attributes are merely "a configurable parameter within a model," and as a consequence, neither the attributes nor the template made up of the attributes indicate desired capabilities.

Moreover, Malik teaches that a template is created by “selecting a model type and one or more attributes from the associated set of attributes;” thus Malik’s templates are specific to a particular model type, and as a consequence, specific to a particular device manufacturer. In contrast, the first configuration data generically indicates desired capabilities of the network device, and as a consequence, in accord with an exemplary embodiment of claim 27, an administrator need not know the actual device-specific code to effectuate desired capabilities of a network device (See Applicants Specification, page 7, lines 5-17; and page 15, lines 1-10).

**VIII. MALIK DOES NOT TEACH GENERATING A CONFIGURATION RECORD BY COMBINING FIRST CONFIGURATION DATA AND SECOND CONFIGURATION DATA INTO A CONFIGURATION RECORD FOR THE NETWORK DEVICE**

The Examiner contends that Malik’s template 40 corresponds to the claimed first configuration data and that Malik’s attribute values in an existing configuration record correspond to the second configuration data. But combining a template 40 with existing attribute values from one of Malik’s existing configuration records will not provide any new capabilities relative to the existing configuration record; thus it is no surprise that Malik does *not* teach the generation of a configuration record by combining attribute values from an existing configuration record with a template.

Instead Malik teaches generating a template from an existing configuration record or generating a template from a model, but again, Malik does not teach generating a configuration record by combining a template and a configuration record. As a consequence, although some terms utilized by Malik appear in claim 27, Malik has a very different approach to generating their configuration records; thus claim 27 is not anticipated and the rejection should be removed.



**SUMMARY**

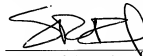
Applicants disagree with much of the Examiner's characterization of the state of the art, the references, and applicant's technology. But as is appropriate for a reply brief, applicants only address certain portions of the Examiner's answer.

All of the pending claims are patentable for the reasons set forth herein, and Appellant respectfully requests such finding.

COOLEY GODWARD KRONISH LLP  
ATTN: Patent Group  
1200 19<sup>th</sup> Street, NW, 5<sup>th</sup> Floor  
Washington, DC 20036  
Tel: (720) 566-4035  
Fax: (202) 842-7899

Respectfully submitted,  
**COOLEY GODWARD LLP**

By: \_\_\_\_\_



Sean R. O'Dowd  
Reg. No. 53,403